

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PATRICK BRADY, ET AL.,)
Plaintiffs,)
vs.) Civil Action No. 02-CV-2917 (JED)
AIR LINE PILOTS ASSOCIATION,)
INTERNATIONAL)
Defendant.)

**STIPULATION AND ORDER
AS TO MICHAEL TANNEN**

WHEREAS Plaintiffs designated Michael Tannen ("Tannen") as a potential witness in Plaintiffs' Supplemental Rule 26 Disclosures (Damage Phase), dated November 5, 2012;

WHEREAS Defendant Air Line Pilots Association, International ("ALPA") expressly sought and received permission from the Court on February 15, 2013 to depose Tannen by April 30, 2013;

WHEREAS Plaintiffs' counsel subsequently represented that Plaintiffs likely would not call Tannen as a witness at the damages trial;

WHEREAS ALPA, in reliance on Plaintiffs' representation that they will not call Tannen to testify at the damages trial, decided that it is not necessary to depose Tannen at this time;

WHEREAS Plaintiffs' counsel indicated that Plaintiffs may seek to play at the damages trial the video presentation in which Tannen explains the "Rightful Place Proposal,"

which was marked as Exhibit P-428 at the liability trial;

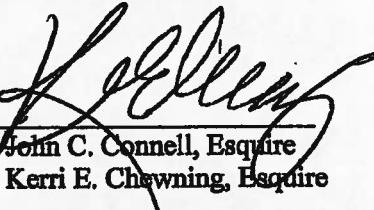
IT IS HEREBY STIPULATED AND AGREED, THAT:

1. Plaintiffs will not call Tannen to testify at the damages trial.
2. ALPA will not depose Tannen.
3. ALPA reserves all rights to object to the admissibility of any evidence that Plaintiffs seek to introduce at trial, including any explanations of the "Rightful Place Proposal," whether documented on video or in some other form, which objections Plaintiffs maintain are waived.
4. Plaintiffs reserve the right to seek to call Tannen in the event the video is excluded, in which case Plaintiffs must advise ALPA at least sixty (60) days in advance of trial of their intent to do so.
5. In that event, ALPA shall be entitled to depose Tannen prior to trial.

Dated: April 29, 2013

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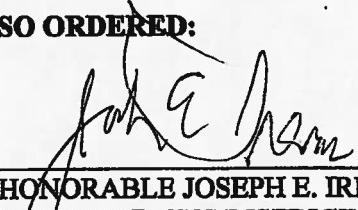
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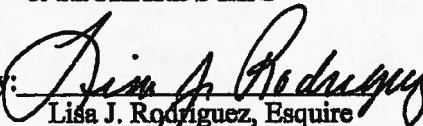
SO ORDERED:


HONORABLE JOSEPH E. IRENAS
UNITED STATES DISTRICT JUDGE

9/30/13

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